

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENNIS HART, et al.,

Plaintiffs,

v.

CITY OF ALAMEDA,

Defendant.

No. C-07-5845 MMC

**ORDER DENYING DEFENDANT'S
MOTION TO STRIKE; DENYING
DEFENDANT'S REQUEST FOR
SANCTIONS; GRANTING ALTERNATIVE
REQUEST FOR OPPORTUNITY TO
RESPOND TO PLAINTIFFS'
MEMORANDUM**

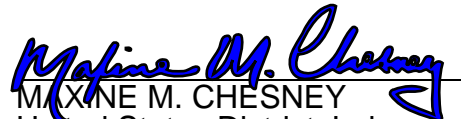
Before the Court are plaintiffs' "Supplemental Memorandum of Points and Authorities in Support of Motion for Summary Adjudication of Claims and Issues [City Manager Authority]," filed April 3, 2009, and defendant's "Objections and Motion to Strike Plaintiffs' Supplemental Memorandum of Points and Authorities and Declaration Regarding City Manager Authority Issue Vis-a-Vis Motion for Summary Adjudication; Request for Sanctions," filed April 6, 2009. As defendant points out, plaintiffs, at the March 13, 2009 hearing, neither requested nor received approval to file a supplemental memorandum concerning the authority of the City Manager. Such issue was, however, raised by plaintiffs at the hearing, albeit for the first time, and the Court finds additional briefing thereon may be of assistance.

Accordingly, defendant's motion to strike and request for sanctions are hereby DENIED, and defendant's alternative request for an opportunity to respond to plaintiffs'

1 supplemental memorandum is hereby GRANTED. Defendant's response shall be filed no
2 later than April 20, 2009 and shall not exceed five pages in length, independent of exhibits
3 and/or declarations.

4 **IT IS SO ORDERED.**

5
6 Dated: April 13, 2009


MAXINE M. CHESNEY
United States District Judge